

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SCHUTTE BAGCLOSURES INC.

Plaintiff,

v.

KWIK LOK CORPORATION

Defendant.

Case No. 12-CV-5541 (JGK)

AFFIDAVIT OF
WOUT ABBENHUIS

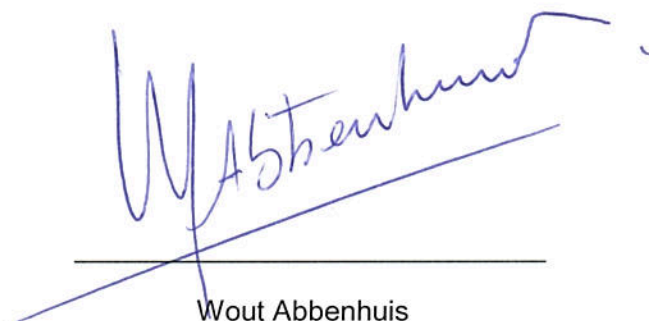
WOUT ABBENHUIS, being duly instructed about the penalty of perjury under the laws of the United States of America (28 U.S.C. § 1746), states under penalty of perjury:

1. I am an officer of Schutte Bagclosures Inc. ("Plaintiff" or "Schutte") and respectfully submit this Affidavit in Support of Plaintiff's opposition to Defendant Kwik Lok's Motion to Dismiss the Amended Complaint of Plaintiff.
2. The bulk of plastic bag closure products are processed automatically by "closing machines" that are able to run up to 4000 bag closures per hour. These machines are manufactured worldwide by manufacturers in the Netherlands, Germany, South Africa, Malaysia, Taiwan and the United States. All of these machines use a standard configuration that requires identical or very similar technical standards as far as shape and size of the plastic bag closure products are concerned. Without adhering to these technical standards, it is impossible for any party to enter the large volume market of plastic bag closure products in any meaningful way. These technical standards are met through the functional elements in Kwik Lok's plastic bag closure products, in Kwik Lok's trademarks, in Schutte's products and any other plastic bag closure products with the same functionality and application. The most important functional elements are:
 - (a) The shape, size and thickness of the plastic bag closure products must be suitable

for storage on reels in a string of several thousands of products, as a result of which these plastic bag closure products all have a more or less rectangular or square shape.

- (b) The width of the plastic bag closure products must be within narrow parameters.
- (c) The plastic bag closure products need to have so called "bridges" near each corner, the position and size of which must be within narrow parameters.
- (d) The position of the connection between the bridges of each subsequent plastic bag closure product in a particular string of products must be within narrow parameters.
- (e) The distance between the front and back bridges must be within narrow parameters.
- (f) The thickness of the bridges must be within narrow parameters.
- (g) The position and size of the opening in the middle of the product must be within narrow parameters.
- (h) The size of the surface of the area behind the opening in the middle of the product must be within narrow parameters.
- (i) The size of the corners of the plastic bag closure products must be within narrow parameters.

DATED: The Netherlands
 January 11, 2013



Wout Abbenhuis